

Union Calendar No. 400

110TH CONGRESS
2^D SESSION

H. R. 5554

[Report No. 110-639]

To amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2008

Mr. MICHAUD (for himself, Mr. FILNER, Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, Mr. ALLEN, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 15, 2008

Additional sponsors: Ms. BORDALLO, Mr. LEVIN, Mr. HINOJOSA, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. KENNEDY, Mr. HINCHEY, Ms. MCCOLLUM of Minnesota, and Mr. CAPUANO

MAY 15, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 6, 2008]

A BILL

To amend title 38, United States Code, to expand and improve health care services available to veterans from the

Department of Veterans Affairs for substance use disorders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1 SHORT TITLE.**

4 *This Act may be cited as the “Justin Bailey Veterans*
 5 *Substance Use Disorders Prevention and Treatment Act of*
 6 *2008”.*

7 **SEC. 2. EXPANSION OF VETERANS SUBSTANCE USE DIS-**
 8 **ORDER PROGRAMS.**

9 *Subsection (d) of section 1720A of title 38, United*
 10 *States Code, is amended by adding at the end the following*
 11 *new paragraph:*

12 *“(3)(A) Each plan under paragraph (1) shall ensure*
 13 *that the medical center provides ready access to a full con-*
 14 *tinuum of care for substance use disorders for veterans in*
 15 *need of such care.*

16 *“(B) In this paragraph, the term ‘full continuum of*
 17 *care’ includes all of the following care, treatment, and serv-*
 18 *ices:*

19 *“(i) Screening for substance use disorder in all*
 20 *settings, including primary care settings.*

21 *“(ii) Detoxification and stabilization services.*

22 *“(iii) Intensive outpatient care services.*

23 *“(iv) Relapse prevention services.*

24 *“(v) Outpatient counseling services.*

1 “(vi) *Residential substance use disorder treat-*
2 *ment.*

3 “(vii) *Pharmacological treatment to reduce*
4 *cravings, and opioid substitution therapy referred to*
5 *in paragraph (2).*

6 “(viii) *Coordination with groups providing peer*
7 *to peer counseling.*

8 “(ix) *Short-term, early interventions for sub-*
9 *stance use disorders, such as motivational counseling,*
10 *that are readily available and provided in a manner*
11 *to overcome stigma associated with the provision of*
12 *such interventions and related care.*

13 “(x) *Marital and family counseling.*

14 “(C) *The Secretary shall provide for outreach to vet-*
15 *erans who served in Operation Enduring Freedom or Oper-*
16 *ation Iraqi Freedom to increase awareness of the avail-*
17 *ability of care, treatment, and services from the Department*
18 *for substance use disorders.”.*

19 **SEC. 3. REQUIREMENT FOR ALLOCATION OF DEPARTMENT**
20 **RESOURCES TO ENSURE AVAILABILITY FOR**
21 **ALL VETERANS REQUIRING TREATMENT FOR**
22 **SUBSTANCE USE DISORDERS.**

23 (a) *EQUITABLE ALLOCATION OF FUNDING; ANNUAL*
24 *REPORT.—Section 1720A of title 38, United States Code,*

1 *as amended by section 2, is further amended by adding at*
2 *the end the following new subsection:*

3 “(e)(1) *The Secretary shall ensure that amounts made*
4 *available for care, treatment, and services provided under*
5 *this section are allocated in such a manner that a full con-*
6 *tinuum of care (as defined in subsection (d)(3)(B)) is avail-*
7 *able to veterans seeking such care, treatment, or services,*
8 *without regard to the location of the residence of any such*
9 *veterans.*

10 “(2)(A) *In addition to the report required under sec-*
11 *tion 1703(c)(1) of this title (relating to furnishing of con-*
12 *tract care and services under this section), the Secretary*
13 *shall include in the budget documents which the Secretary*
14 *submits to Congress for any fiscal year a detailed report*
15 *on the care, treatment, and services furnished by the De-*
16 *partment under this section during the most recently com-*
17 *pleted fiscal year.*

18 “(B) *Each report under subparagraph (A) shall in-*
19 *clude data on the following for each medical facility of the*
20 *Department:*

21 “(i) *The number of veterans who have been pro-*
22 *vided care, treatment, or services under this section at*
23 *the facility for each 1,000 veterans who have received*
24 *hospital care (if applicable) or medical services at the*
25 *facility.*

1 “(ii) *The number of veterans for whom substance*
2 *use disorder screening was carried out under sub-*
3 *section (d)(3)(B)(i) at the facility.*

4 “(iii) *The number of veterans for whom a sub-*
5 *stance use disorder was identified after a screening*
6 *was carried out under subsection (d)(3)(B)(i) at the*
7 *facility.*

8 “(iv) *The number of veterans who were referred*
9 *by the facility for care, treatment, or services for sub-*
10 *stance use disorders under this section.*

11 “(v) *The number of veterans who received care,*
12 *treatment or services at the facility for substance use*
13 *disorders under this section.*

14 “(vi) *Availability of the full continuum of care*
15 *(as defined in subsection (d)(3)(B)) at the facility.*

16 “(C) *Each report prepared under subparagraph (A)*
17 *shall be reviewed by the Committee on Care of Severely*
18 *Chronically Mentally Ill Veterans authorized by section*
19 *7321 of this title. The Committee shall provide an inde-*
20 *pendent assessment of the care, treatment, and services fur-*
21 *nished directly by the Department under this section to vet-*
22 *erans. Such assessment shall include a detailed analysis of*
23 *the availability, the barriers to access (if any), and the*
24 *quality of such care, treatment, and services.”.*

1 (b) *EFFECTIVE DATE.*—The amendment made by sub-
2 section (a) shall apply to fiscal years beginning on or after
3 October 1, 2009.

4 **SEC. 4. PILOT PROGRAM FOR INTERNET-BASED SUBSTANCE**
5 **USE DISORDER TREATMENT FOR VETERANS**
6 **OF OPERATION IRAQI FREEDOM AND OPER-**
7 **ATION ENDURING FREEDOM.**

8 (a) *FINDINGS.*—Congress makes the following findings:

9 (1) *Stigma associated with seeking treatment for*
10 *mental health disorders has been demonstrated to pre-*
11 *vent some veterans from seeking such treatment at a*
12 *medical facility operated by the Department of De-*
13 *fense or the Department of Veterans Affairs.*

14 (2) *There is a significant incidence among vet-*
15 *erans of post-deployment mental health problems, es-*
16 *pecially among members of a reserve component who*
17 *return as veterans to civilian life.*

18 (3) *Computer-based self-guided training has been*
19 *demonstrated to be an effective strategy for*
20 *supplementing the care of psychological conditions.*

21 (4) *Younger veterans, especially those who served*
22 *in Operation Enduring Freedom or Operation Iraqi*
23 *Freedom, are comfortable with and proficient at com-*
24 *puter-based technology.*

1 (5) *Veterans living in rural areas find access to*
2 *treatment for substance use disorder limited.*

3 (6) *Self-assessment and treatment options for*
4 *substance use disorders through an Internet website*
5 *may reduce stigma and provides additional access for*
6 *individuals seeking care and treatment for such dis-*
7 *orders.*

8 (b) *IN GENERAL.—Not later than October 1, 2009, the*
9 *Secretary of Veterans Affairs shall initiate a pilot program*
10 *to test the feasibility and advisability of providing veterans*
11 *who seek treatment for substance use disorders access to a*
12 *computer-based self-assessment, education, and specified*
13 *treatment program through a secure Internet website oper-*
14 *ated by the Secretary. Participation in the pilot program*
15 *is available on a voluntary basis for those veterans who*
16 *have served in Operation Enduring Freedom or Operation*
17 *Iraqi Freedom.*

18 (c) *ELEMENTS OF PILOT PROGRAM.—*

19 (1) *IN GENERAL.—In designing and carrying*
20 *out the pilot program under this section, the Sec-*
21 *retary of Veterans Affairs shall ensure that—*

22 (A) *access to the Internet website and the*
23 *programs available on the website by a veteran*
24 *(or family member) does not involuntarily gen-*
25 *erate an identifiable medical record of that ac-*

cess by that veteran in any medical database maintained by the Department;

(B) the Internet website is accessible from remote locations, especially rural areas; and

(C) the Internet website includes a self-assessment tool for substance use disorders, self-guided treatment and educational materials for such disorders, and appropriate information and materials for family members of veterans.

(2) *CONSIDERATION OF SIMILAR PROJECTS.*—In designing the pilot program under this section, the Secretary of Veterans Affairs shall consider similar pilot projects of the Department of Defense for the early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions established under section 741 of the John Warner National Defense Authorization Act of Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2304).

(3) *LOCATION OF PILOT PROGRAM.*—The Secretary shall carry out the pilot program through those medical centers of the Department of Veterans Affairs that have established Centers for Excellence for Substance Abuse Treatment and Education or that have established a Substance Abuse Program Evaluation and Research Center.

1 (4) *CONTRACT AUTHORITY.*—*The Secretary of*
2 *Veterans Affairs may enter into contracts with quali-*
3 *fied entities or organizations to carry out the pilot*
4 *program required under this section.*

5 (d) *DURATION OF PILOT PROGRAM.*—*The pilot pro-*
6 *gram required by subsection (a) shall be carried out during*
7 *the two-year period beginning on the date of the commence-*
8 *ment of the pilot program.*

9 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
10 *authorized to be appropriated to the Secretary of Veterans*
11 *Affairs \$1,500,000 for each of fiscal years 2010 and 2011*
12 *to carry out the pilot program under this section.*

13 (f) *REPORT.*—*Not later than six months after the com-*
14 *pletion of the pilot program, the Secretary shall submit to*
15 *Congress a report on the pilot program, and shall include*
16 *in that report an assessment of the feasibility and advis-*
17 *ability of the pilot program, of any cost savings or other*
18 *benefits associated with the pilot program, and rec-*
19 *ommendations for the continuation or expansion of the pilot*
20 *program.*

21 **SEC. 5. REPORT ON RESIDENTIAL MENTAL HEALTH CARE**
22 **FACILITIES OF THE VETERANS HEALTH AD-**
23 **MINISTRATION.**

24 (a) *REVIEW AND REPORT.*—*Not later than six months*
25 *after the date of the enactment of this Act, the Secretary*

1 *of Veterans Affairs, acting through the Office of the Medical*
2 *Inspector of the Department of Veterans Affairs, shall—*

3 *(1) conduct a review of all residential mental*
4 *health care facilities, including domiciliary facilities,*
5 *of the Veterans Health Administration; and*

6 *(2) submit to the Committee on Veterans' Affairs*
7 *of the Senate and the Committee on Veterans' Affairs*
8 *of the House of Representatives a report on the review*
9 *conducted under paragraph (1).*

10 *(b) ELEMENTS OF REPORT.—The report required by*
11 *subsection (a)(2) shall include the following:*

12 *(1) A description of the availability of care in*
13 *residential mental health care facilities in each Vet-*
14 *erans Integrated Service Network (VISN).*

15 *(2) An assessment of the supervision and support*
16 *provided in the residential mental health care facili-*
17 *ties of the Veterans Health Administration.*

18 *(3) The ratio of staff members at each residential*
19 *mental health care facility to patients at such facil-*
20 *ity.*

21 *(4) An assessment of the appropriateness of rules*
22 *and procedures for the prescription and administra-*
23 *tion of medications to patients in such residential*
24 *mental health care facilities.*

1 (5) *A description of the protocols at each residen-*
2 *tial mental health care facility for handling missed*
3 *appointments.*

4 (6) *Any recommendations the Secretary con-*
5 *siders appropriate for improvements to such residen-*
6 *tial mental health care facilities and the care pro-*
7 *vided in such facilities.*

8 **SEC. 6. TRIBUTE TO JUSTIN BAILEY.**

9 *This Act is enacted in tribute to Justin Bailey, who,*
10 *after returning to the United States from service as a mem-*
11 *ber of the Armed Forces in Operation Iraqi Freedom, died*
12 *in a domiciliary facility of the Department of Veterans Af-*
13 *airs while receiving care for post-traumatic stress disorder*
14 *and a substance use disorder.*

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